

REMARKS

This is in response to the Office Action mailed on September 16, 2004, and the references cited therewith.

Claims 1, 22, 37, 50, 53, 61-63, 65-73, 83, and 92-94 are amended; as a result, claims 1-11 and 13-94 are now pending in this application.

§101 Rejection of the Claims

Claims 22, 24-25 and 29 were rejected under 35 USC § 101 as being directed to non-statutory subject matter. Independent claim 22 now positively recites that it is a method, “which is implemented in a computer readable medium.” Thus, it is now clear that the method of claim 22 is not capable of being performed with pencil and paper since it is defined as an implementation embodied within a computer readable medium. Therefore, Applicant believes that this rejection is no longer appropriate and should be withdrawn.

§112 Rejection of the Claims

Claims 1-11, 13-21, 49, 61-62 and 65-70 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claim 1, such that the reference to “the user” now states “the first user.” Thus, the rejections with respect to claims 1-11, 13-21, and 49 are no longer appropriate and should be withdrawn.

Claim 61 was amended to refer to an “e-commerce facility” instead of “a method.” Therefore, the rejection with respect to claim 61 is no longer appropriate and should be withdrawn.

Claim 62 was amended to refer to an “e-commerce facility” and to depend from claim 58. Accordingly, the rejection with respect to claim 62 is no longer appropriate and should be withdrawn.

Claims 65-70 were amended to refer to a “machine readable medium” instead of “a method.” Correspondingly, the rejections with respect to claims 65-70 are no longer appropriate and should be withdrawn.

§102 Rejection of the Claims

Claims 1-11, 17, 37-39, 43-50, 53 and 57-72 were rejected under 35 USC § 102(e) as being anticipated by Fuerst (U.S. 6,189,029). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element in the rejected claims must be taught or suggested in the cited reference.

Fuerst is directed to a World-Wide Web (WWW) survey tool. The teachings describe how surveys are created, submitting, and tabulated to provide results for posed questions. However, Fuerst is not directed to a *user feedback* technique, which is related to an *online purchasing transaction*, and which is now positively recited in Applicant's amended independent claims. *Emphasis added.*

More specifically, the Examiner has referred the Applicant to col. 2 lines 63-67 for support of the assertion that Fuerst permits feedback to be given by a customer about a customer service workgroup. There is no teaching or suggestion of a teaching in this reference that "predefined feedback comments relate to an online *purchasing transaction associated with the first and second users*," which is positively recited in Applicant's amended independent claims. *Emphasis added.*

In fact, the surveys in Fuerst are not about online purchasing transaction and not about a particular user. Surveys are created in Fuerst as a study about a particular problem or product. Surveys are not about particular users. Moreover, there is no indication in Fuerst that predefined feedback comments relate to an online purchasing transaction.

Accordingly, the rejections with respect to the independent claims 1, 37, 50, 53, 63, 71, and 72 should be withdrawn, because Fuerst does not teach or suggest each and every element or step of these amended independent claims.

§103 Rejection of the Claims

Claims 13 and 54 were rejected under 35 USC § 103(a) as being not patentable over Fuerst as applied to claim 1 and in view of Harrington et al. (U.S. 6,161,099). Claim 13 is dependent from amended independent claim 1. Claim 54 is dependent from amended independent claim 53. Therefore, for the amendments and remarks presented above with respect to claims 1 and 53, the rejections with respect to claims 13 and 54 should be withdrawn.

Claims 14-16, 18-25, 27-36, 51-52, 55-56 and 73-94 were rejected under 35 USC § 103(a) as being not patentable over Fuerst as applied to claim 1 and in view of Bayer et al. (U.S. 6,311,190). To sustain and obviousness rejection each and every element or step in the rejected claims must be taught or suggested in the proposed combination of references.

With respect to claims 14-16 and 18-21, these claims are dependent from amended independent claim 1. Thus, for the reasons and amendments presented above with respect to claim 1, the rejections with respect to claims 14-16 and 18-21 should be withdrawn.

With respect to amended independent claim 22, there is no teaching or suggestion of a teaching in Fuerst or Bayer where feedback is related to an “online purchasing transaction that occurred between the first and second users,” as is now positively recited in amended claim 22. Thus, the rejection with respect to claim 22 and its dependents (claims 24-36) should be withdrawn.

Claims 51 and 52 are dependent from amended independent claim 50. Therefore, for the remarks and amendments presented above with respect to claim 50, the rejections with respect to claims 51 and 52 should be withdrawn.

Likewise, claims 55 and 56 are dependent from amended independent claim 53. Accordingly, for the remarks and amendments presented above with respect to claim 53, the rejections with respect to claims 55 and 56 should be withdrawn.

With respect to amended independent claims 73, 83, and 92-94, these claims now positively recite the limitation of feedback related to *an online purchasing transaction*.

Emphasis added. This limitation is not taught or suggested in the combination of Fuerst and Bayer, nor is this limitation taught or suggested in the individual teachings of Fuerst or the individual teachings of Bayer. Thus, the rejections with respect to claims 73-94 are no longer appropriate and should be withdrawn.

Claim 26 was rejected under 35 USC § 103(a) as being not patentable over Fuerst in view of Bayer et al. as applied to claim 22, and further in view of Harrington et al. Claim 26 is dependent from amended independent claim 22. Thus, for the remarks and amendments

presented above with respect to claim 22, the rejection with respect to claim 26 should be withdrawn.

Claims 40-42 were rejected under 35 USC § 103(a) as being not patentable over Fuerst. Claims 40-42 are dependent from amended independent claim 37. Accordingly, for the remarks and amendments presented above with respect to claim 37, the rejections with respect to claims 40-42 should be withdrawn.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

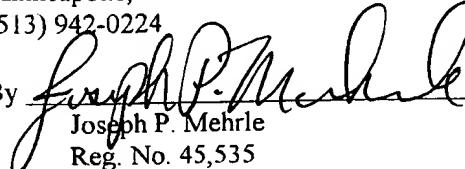
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

BARRY BOONE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

By 
Joseph P. Mehrle
Reg. No. 45,535

Date 12-16-04

Name

Signature

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16 day of December, 2004.

Peter R. Boonai

Peter R. Boonai